

Exhibit B

June 22, 2018

The Honorable Steven Wagner
Acting Assistant Secretary
Administration for Children and Families
U.S. Department of Health and Human Services
330 C Street, SW
Washington, D.C. 20201

Dear Mr. Wagner:

As Americans continue to process the realities of your Administration's immigration policies, we write with additional concerns about the treatment of immigrant children currently or previously detained in government facilities. Specifically, we seek information about allegations of widespread physical and psychological abuse at the Shenandoah Valley Juvenile Center (SVJC) near Staunton, Virginia.

An Associated Press story details the appalling accusations against the facility's personnel for systematic beatings, restraints, solitary confinement, and verbal abuse based on sworn statements in federal court filings.¹ In those statements, a half-dozen immigrant children allege that guards punished them for minor infractions such as providing Spanish translations and picking up a pencil after being ordered not to move. Guards used heinous and unconscionable methods of punishments such as stripping them of their clothes, restraining them to chairs with bags over their heads, and subjecting them to beatings and solitary confinement.²

In late April, Kelsey Wong, the Program Director for the unaccompanied children program at SVJC, testified before the Permanent Subcommittee on Investigations in an oversight hearing about protecting these children from human trafficking and abuse. Her testimony exacerbates our concerns because she testified that many of these immigrant children landed in the secure facility on suspicions of gang affiliation with "little evidence or self-reported membership."³ She further testified that "[w]e do a disservice to children when they are mislabeled as gang-involved individuals," and recommended the Department of Homeland Security (DHS) and the Office of Refugee Resettlement (ORR) "thoroughly vet youth prior to their placement in to custody, including their status as an unaccompanied individual and possible gang-involvement."⁴ The official opined that a residential treatment unit might better serve these immigrant youths.

1 Michael Biesecker et al., *Young immigrants detained in Virginia center allege abuse*, ASSOCIATED PRESS, June 21, 2018, *available at* <https://www.apnews.com/afc80e51b562462c89907b49ae624e79/Young-immigrants-detained-in-Virginia-center-allege-abuse>.

2 *Id.*

3 *Oversight of HHS and DHS Efforts to Protect Unaccompanied Alien Children from Human Trafficking and Abuse Before the Permanent Subcomm. on Investigations of the S. Comm. on Homeland Security and Governmental Affairs*, 115th Cong. 3 (2018) (statement of Kelsey R. Wong, Program Director and Project Director, Shenandoah Valley Juvenile Center).

4 *Id.*

Consistent with the official's testimony, the court filings are reported to confirm that immigrant children in this facility suffer from mental health needs after fleeing violence and abuse in their home countries. One immigrant teen said he left Mexico and sought asylum in 2015 from an abusive father and violence by drug cartels. He arrived in the Shenandoah center in April 2016, which diagnosed him with three mental disorders, including depression.

As you can imagine, our concerns stem from the fact that your agency is tasked with caring for unaccompanied immigrant youths after DHS apprehends them for unlawful entry. Though we understand that these alleged abuses took place at a locally-operated facility, your agency ultimately has oversight and must ensure that these facilities comply with standards for when and how to physically engage these youths.

We request a personal meeting with you as well as the following information from your agency:

- 1) What authority dictates the standard of care facilities must provide unaccompanied minors in terms of nutrition, education, and medical attention? What does that standard require?
- 2) According to reports and recent Congressional testimony, in April the SVJC near Staunton, Virginia housed 34 unaccompanied children – 30 males and four females. How many unaccompanied children referred from your agency are currently there now?
 - a) How long have these children been in the facility? And did any of them arrive after being separated from their families under the Administration's "zero tolerance" policy?
- 3) What is the ratio of guards to children at the Center? Do agency-specific standards mandate this ratio?
 - a) What is the hiring process for guards at this facility? Is this consistent with other ORR-licensed facilities?
 - b) What training do guards receive when they are hired, and do they continue to receive training over the course of their employment?
- 4) What standards govern youth's access to bilingual staff or professional interpretation and translation services? Does the Center have an adequate number of employees who are capable of communicating with detainees who are limited in their English proficiency?
- 5) Is there a system for complaints against guards or other personnel at the Center?
 - a) On average, how many complaints are filed against guards and other personnel?
 - b) How many complaints of physical or emotional abuse have you received since contracting with ORR in 2009?
 - c) What is the disciplinary system if guards and personnel violate these standards?

- 6) Does the Center provide mental health services to unaccompanied children equivalent to those provided to juveniles in detention programs for the surrounding locales? Please provide information about the current mental health staffing model.
- 7) What best practices or policies does your agency follow in terms of moving unaccompanied children out of secure placement and into a residential setting?
 - a) How many children have completed this transition at the Center?
 - b) Nationwide?
- 8) Please provide the number of children that were referred to the Center for secure placement for reasons of suspected gang affiliation or activity between:
 - a) April 1, 2018 and present day;
 - b) January 20, 2017 and April 1, 2018;
 - c) When your agency began contracting with ORR in 2009 and January 20, 2017.

Sincerely,

Mark R. Warner
United States Senator

Tim Kaine
United States Senator